

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

No. C 05-5428 MHP (pr)

JEFFREY LEE DUVARDO,

Petitioner,

**ORDER GRANTING CERTIFICATE  
OF APPEALABILITY IN PART**

v.

GEORGE GIURBINO, warden,

Respondent.

Petitioner has filed a notice of appeal and request for certificate of appealability. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). Petitioner has "made a substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(2), and reasonable jurists would find debatable the district court's assessment of petitioner's claims that (1) his right to due process was violated because the evidence was insufficient to support the verdicts, (2) his right to due process was violated by the admission of expert opinion evidence, and (3) his right to due process was violated by the admission of impermissible character evidence, as discussed at pages 4-27 of the Order Denying Petition For Writ Of Habeas Corpus. See Slack v. McDaniel, 529 U.S. 473, 484 (2000). Accordingly, a certificate of appealability is GRANTED on these claims. (Docket # 36.) The certificate of appealability is DENIED as to all the other claims in the petition.

The clerk shall process the appeal.

IT IS SO ORDERED.

DATED: February 2, 2009

  
Marilyn Hall Patel  
United States District Judge